

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 16020 of 1999

Between:

M.Venkat Ramana S/o.Govindappa, aged 87 years,
R/o.30/90, L.B.Nagar Tirupathi, Chittoor District.

..... PETITIONER

AND

- 1 The Govt. of A.P. Revenue Department Rep. by its Secretary
Secretariat Bulidings, Hyderabad.
- 2 The District Collector,
Chittoor, Chittoor District.
- 3 The Mandal Revenue Officer,
Sri Kalahasthi Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ order or direction declaring the action of the respondents 1 to 3 in not assigning the land in Sy.No.394, 395, and 396 of extent of land Ac.4-67 cents, Ac.5-06 cents and Ac.5-14 cents respectively in Inagaluru Village, SriKalahsti Mandal, Chittoor District to the petitioner who is Freedom Fighter, as illegal, and arbitrary and consequentially, direct the respondents to assign the land in Sy.Nos. 394,395 and 396 of an total extent of Ac. 15-00, i.e. Ac. 4-67, Ac.5-06 cents and Ac. 5-14 cents respectively in Inagaluru Village, SriKalahasthi Mandal, Chittoor District which is under the possession of the petitioner from 1996 onwards.

Counsel for the Petitioner: SMT. V. LAKSHMI KUMARI

Counsel for the Respondents 1 to 3. : GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner is a Freedom Fighter working along with Subhash Chandra Bose in Azad Hind Fouz in 2nd World War and convicted for one year imprisonment in Quiet India Movement, 1942. The petitioner was granted Political Suffers Pension from June, 1975 and the A.P.S.R.T. Corporation and the Railway Authorities have issued Free Travel Passes. The petitioner was also honoured with Tamra Patra.

While so, the first respondent has issued GO Ms. No.946 dated 26.7.1977 to the effect that whoever is convicted for six months in the National Movement, in the case of Independence, is eligible for assignment of Ac.5.00 of wet land or Ac.10.00 of dry land or Ac.15.00 of dry land in Rayalseema district irrespective of the extent of moveable or immoveable properties owned by him. Accordingly, the petitioner made representation to the 2nd respondent on 5.1.1996 for allotment of Ac.15.00 dry land in Sy. Nos. 395 and 396 measuring Ac.4.67 cents, Ac.5.06 cents and Ac.5.14 cents respectively in Inagaluru village, which is a government poromboke land, which was forwarded to the 3rd respondent, who submitted his remarks expressing willingness through letter dated 9.3.1996 and the 2nd respondent has permitted him to cultivate the schedule land and the same was informed to the 3rd respondent and he spent Rs.30,000/- and made it fit for cultivation. Thereafter, when the petitioner approached the 2nd respondent for grant of assignment patta, in his favour, the respondent directed him to give another application which he accordingly gave on 13.10.1997 and asked him to approach the 2nd respondent after two months. Accordingly, when the petitioner

approached the 2nd respondent, though they assured the petitioner that he is eligible to get Ac.15.00 of the land, no assignment was made in his favour, for the reasons best known to them.

In response to the rule nisi, the 3rd respondent filed counter affidavit stating that in terms of GO Ms. No. 185 dated 11.3.1997, the Government has revised policy regarding assignment of the land to the political sufferers and condition No.2 thereof mandates twin requirement, firstly that the assignment of the land for agricultural purpose shall be considered unless the land is available in the native village for the Freedom Fighters and secondly that it is not required for any public purposes and house sites. It is further stated that the land in Sy. No. 393, 394, 395 and 396 to an extent of Ac.111.00 acres was allotted to Anjaneyapuram Harijans Collective Joint Farming Society and the possession was delivered to the members of the said Society in the year 1988 itself and they are eking out their livelihood. Therefore, there is no land available to be allotted to the petitioner. Thus the respondent denied the averment that the petitioner has spent substantial sum for reclamation and development of the lands, inasmuch as he was never in possession of the land.

For these reasons, since there is no land available for allotment to the petitioner, at this point of time, I do not see any reason to entertain the writ petition. Consequently, the writ petition fails and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

June 9, 2005

MAS.

To

1 The Secretary, Revenue Department,
Govt. of Andhra Pradesh, Secretariat Buildings,
Hyderabad.

2 The District Collector,
Chittoor, Chittoor District.

3 The Mandal Revenue Officer,
Sri Kalahasthi Mandal, Chittoor District.

4 2 copies to the Govt. Pleader for Revenue, A.P. High Court
Building, Hyderabad.

5 2 CD copies

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